

**MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON
TUESDAY 24 OCTOBER 2023 AT 7.01PM IN THE COUNCIL CHAMBERS, 571
MONTAGUE ROAD, MODBURY**

1. Opening Prayer and Welcome

The Deputy Mayor read the Opening Prayer and Acknowledgement of Country Statement.

2. Attendance Record:

2.1 Present

Deputy Mayor R Unger, Crs T Sinclair, B Keane, J Hawkvelt, L Jones, I Zagladov, D Wyld, K Drozdoff, B Lawrenson, M Champion, S Keane and K Foreman.

2.2 Apologies

Her Worship Mayor M Ryan

2.3 Leave of Absence

Nil

2.4 Record of Officers in Attendance (physical or electronic)

Ryan McMahon	Chief Executive Officer
Justin Robbins	General Manager Strategy & Finance
Leisha Bond	General Manager Corporate Services
Felicity Birch	General Manager City Operations
Nathan Grainger	Manager City Development
Deana Taglierini	Coordinator, Governance
Kristyn Barnes	Governance Administration Officer
Greg Salmon	Manager Project Management Office
Matthew Taylor	Lead, Community Wellbeing
Donna Mijatovic	Team Leader Community Development
Ingrid Wilkshire	Manager City Strategy
Jessica Lewig	Lead – Urban Planning
Victoria Masterman	Lead – Precincts & Placemaking
Eloise Penna	Manager Project & Contract Delivery
Gabby D’Aloia	Manager Technical & Engineering Services
Sabine Koolen	Technical Officer, Biodiversity

2.5 Record of Number of Persons in the Public Gallery – Physical Attendance

8 Attendees

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Wyld, Seconded Cr Foreman

That the Minutes of the Council Meeting held on 10 October 2023 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (276)

4. Public Forum

Craig Martin spoke in regards to illegal tobacco businesses in the City of Tea Tree Gully.

Lucas and Logan spoke in regards to the removed bike jumps on Elliston Reserve.

5. Deputations - Nil

6. Presentations

6.1 Annual Business Plan - City Operations Project Delivery Update (D23/83887)

Eloise Penna, Manager Project and Contract Delivery provided a status update on the capital projects to be delivered by the City Operations portfolio as part of the Annual Business Plan 2023-24.

Greg Salmon, Manager Project Management Office provided a status update on the civil and open space projects delivered by the Project Management Office.

6.2 Certificate of Service of Local Government - Cr Lucas Jones (D23/85499)

Deputy Mayor Unger presented Cr Lucas Jones with a certificate for his 15 years of service and dedication to the City of Tea Tree Gully and Local Government.

7. Petitions - Nil

8. Adjourned Business - Nil

9. Motions Lying on the Table - Nil

The Deputy Mayor sought leave of the meeting to bring forward the management report titled 'Community Grants – Round 1 – 2023-2024' and the Notice of Motion report titled 'Notice of Motion – Facility Upgrade – Hope Valley Bowling Club (Cr Blake Lawrenson)'. Leave was granted.

10. Management Reports

Community Services

10.1 Community Grants - Round 1 - 2023-2024 (D23/80782)

Moved Cr S Keane, Seconded Cr Champion

That having considered the report titled “Community Grants Round 1 2023-2024” and dated 24 October 2023, Council approves community grant funding from Council’s Community Grants Budget to be allocated as follows:

- Banksia Park Netball Club- \$1,500
- Carelink Ministries Inc. (Kings Baptist Community Services) - \$3,500
- Clovercrest Baptist Church Inc. - \$2,937
- Good Shepherd Lutheran School, Para Vista Early Learning Centre- \$1,500
- Hands of Hope Foundation Inc.- \$6,000
- Hope Valley Cricket Club - \$3,000
- Journey Uniting Church - \$2,000
- Jubilee Quilters - \$2,490
- North East Zodiac Netball Club - \$1,500
- Tea Tree Gully Croquet Club - \$3,000
- Tea Tree Gully Gem and Mineral Club Inc. - \$3,000
- Tea Tree Gully Netball Club - \$1,500
- Tea Tree Gully Rotary Club Inc. - \$1,200
- The Combined Probus Club of Golden Grove Inc. - \$1,370
- The Gold Foundation Inc. - \$6,000
- Wynn Vale Community Garden - \$1,300

Carried Unanimously (277)

11. Notice(s) of Motions

11.1 Notice of Motion - Facility Upgrade – Hope Valley Bowling Club (Cr Blake Lawrenson) (D23/81623)

Moved Cr Lawrenson, Seconded Cr Champion

That Council produce a report investigating options to upgrade and refurbish the lavatories at the Hope Valley Bowling Club, including:

- a. estimated costings of the options available to Council;
- b. improved facilities for the disabled lavatory, including a widened door;
- c. whether the current lavatories are suitable for the use by the elderly and people with mobility issues;
- d. whether it is possible to upgrade only the disabled lavatory and its individual estimated cost; and
- e. any other consideration the CEO deems relevant including but not limiting to the Building Code of Australia.

Carried Unanimously (278)

12. Committee Reports

Service Review Committee

12.1 Recommendations from the Service Review Committee Meeting held on 18 October 2023

Draft Playground Guide Review Principles and Methodology (D23/80609)

Moved Cr Hawkvelt, Seconded Cr Foreman

That having considered the report titled “Draft Playground Guide Review Principles and Methodology” and dated 18 October 2023, Council:

1. adopts the principles and methodology for the review of the Playground Guide as detailed in Table 1 of the report;
2. notes that each playspace in the City will be reviewed against the criteria as detailed in Table 1 of the report and a broader review of open space across the city will guide the planning, provision and prioritisation of future play spaces and other passive recreation spaces including nature play, walking trails, waterways;
3. notes that the outcomes of the first stage of the review and recommendations for the future of playspaces in the City will be presented to Elected Members at a workshop in the first quarter 2024; and
4. that following this, a report will be presented to Council regarding options to seek feedback from the Community with regard to playspaces across the City.

Carried Unanimously (279)

Draft Main Roads and Gateways - Citywide Principles and Methodology (D23/79249)

Moved Cr Lawrenson, Seconded Cr Foreman

That having considered the report titled “Draft Main Roads and Gateways – Citywide Principles and Methodology” and dated 18 October 2023, Council adopt the principles and methodology for main roads and gateways across the City as detailed in Table 1 of the report.

Carried Unanimously (280)

Audit & Risk Committee

12.2 Recommendations from the Special Audit & Risk Committee Meeting held on 11 October 2023

Draft Long Term Financial Plan 2025-2034 for Community Engagement (D23/58858)

Moved Cr Zagladov, Seconded Cr Lawrenson

That Council having considered the report titled “Draft Long-Term Financial Plan 2025-2034 for Community Engagement” and dated 11 October 2023:

1. Adopts the updated draft Long-Term Financial Plan for the Financial years 2025-2034 for the purpose of public consultation as outlined in Attachment 1 of the abovementioned report, noting that the publishing and formatting will be updated to incorporate minor changes and any resolutions of Council.
2. Undertakes public consultation on the draft Long-Term Financial Plan in accordance with the draft Community Engagement Strategy outlined in Attachment 2 of the abovementioned report.

Carried (281)

Governance & Policy Committee - Nil

CEO Performance Review Committee - Nil

13. Management Reports

Office of the Chief Executive Officer

13.1 Local Government Association Annual General Meeting - October 2023 Agenda Items (D23/77017)

Discretion of the Voting Delegate

Moved Cr Jones, Seconded Cr Wyld

That having considered the report titled “Local Government Association Annual General Meeting – October 2023 Agenda Items” and dated 24 October 2023, Council supports the Deputy Mayor (or proxy) as Council’s voting delegate at the Local Government Association (LGA) Annual General Meeting to be held on 26 October 2023, to cast the Council vote using their own discretion.

Carried Unanimously (282)

Cr Sinclair left the meeting at 8.19pm.

City Operations

13.2 Licence Agreement - Save Our Wildlife Foundation Inc and 1300Koalaz (D23/78297)

During the moving of the motion, Cr Sinclair re-entered the meeting at 8.21pm.

Moved Cr Hawkvelt, Seconded Cr Drozdoff

That having considered the report titled “Licence Agreement – Save our Wildlife Foundation Inc and 1300Koalaz” and dated 24 October 2023, Council grants a Licence Agreement each to Save Our Wildlife Foundation Incorporated and 1300KOALAZ with the following terms and conditions:

- The term of the licence shall be for a period of 2 years;
- The licence fee shall be initially \$1 per annum with annual CPI increases on the yearly anniversary date;
- For the purpose of collecting food sources for rescued wildlife in their care from portions of:
 - Hallett Reserve, Golden Grove and Greenway Reserve, Surrey Downs for Save our Wildlife Foundation Inc.
 - Golden Fields, Golden Grove and Kingfisher Reserve, Modbury Heights for 1300Koalaz
- Any other terms and conditions as set out in accordance with Council’s “Leases and Licences to Sporting and Community Organisations Policy”; and

- Any other terms and conditions as deemed necessary by Council's Chief Executive Officer that are required for this specific licence and site.

Carried Unanimously (283)

Corporate Services - Nil

Strategy & Finance

13.3 Residential Driveway Crossovers Design Standard and Code Amendment Submission (D23/82617)

During the moving of the motion, Crs Jones and Drozdoff left the meeting at 8.25pm.

Moved Cr B Keane, Seconded Cr Wyld

That having considered the report titled "Residential Driveway Crossover Design Standard and Code Amendment Submission" and dated 24 October 2023, Council endorses the draft submission as set out in Attachment 1 of the report as its formal submission to the State Planning Commission in response to its consultation on the Residential Driveway Crossover Design Standard and Code Amendment.

Carried Unanimously (284)

Crs Jones and Drozdoff were not present for the vote

13.4 Regional Planning (D23/82618)

Jessica Lewig, Lead - Urban Planning provided a 10 minute presentation on the growth options outlined within Attachment 1 of the Regional Planning report.

During the presentation:

- *Cr Champion left the meeting at 8.26pm and re-entered the meeting at 8.29pm*
- *Cr Jones re-entered the meeting at 8.28pm*
- *Cr Drozdoff re-entered the meeting at 8.42pm*

The Council chamber was vacated due to an evacuation exercise at 8.50pm. The Deputy Mayor reconvened the meeting at 9.04pm. Cr Wyld did not return for the remainder of the meeting.

Moved Cr B Keane, Seconded Cr Champion

That having considered the report titled “Regional Planning” dated 24 October 2023, Council resolves to:

1. Undertake further investigations in line with the recommendations contained within Attachment 1 “City of Tea Tree Gully Growth Options Report October 2023”
2. Request staff to report back on the outcomes of the preliminary investigations as part of the development of a city master plan for the City of Tea Tree Gully
3. Endorse Attachment 2 as Council’s submission to the Greater Adelaide Regional Plan Discussion Paper
4. Advise the State Planning Commission that the City of Tea Tree Gully is undertaking its own further strategic planning investigations into the future growth of the City
5. Request the Chief Executive Officer to work with other Councils in the northern region to advocate for better planning policy outcomes relating to infill housing

Lost

Motion

During the seconding of the motion, Cr Drozdoff left the meeting at 9.34pm.

Moved Cr Jones, Seconded Cr Lawrenson

That having considered the report titled “Regional Planning” and dated 24 October 2023, Council resolves to:

1. Undertake further investigations in line with recommendations 1 – 13 excluding recommendation number 7 contained within Attachment 1 “City of Tea Tree Gully Growth Options Report October 2023”
2. Request staff to report back on the outcomes of the preliminary investigations as part of the development of a city master plan for the City of Tea Tree Gully
3. Endorse Attachment 2 as Council’s submission to the Greater Adelaide Regional Plan Discussion Paper and that the submission be amended to reflect the removal of item 7 above

4. Advise the State Planning Commission that the City of Tea Tree Gully is undertaking its own further strategic planning investigations into the future growth of the City
5. Request the Chief Executive Officer to work with other Councils in the northern region to advocate for better planning policy outcomes relating to infill housing

Carried (285)

Cr Drozdoff was not present for the vote.

Cr Jones called for a Division

The Deputy Mayor declared the vote set aside

The following members voted in the affirmative:

Crs Foreman, S Keane, Lawrenson, Zagladov, Jones, Hawkvelt, B Keane and Sinclair.

The following member voted in the negative:

Cr Champion.

The Deputy Mayor declared the motion **carried**.

Cr Drozdoff was not present for the vote.

13.6 City of Tea Tree Gully's Submission to the Independent Review of the Landscape Act 2019 (D23/82745)

During the debate, Cr Drozdoff re-entered the meeting at 9.43pm.

Moved Cr S Keane, Seconded Cr Foreman

That having considered the report titled "City of Tea Tree Gully's Submission to the Independent Review of the Landscape Act 2019" and dated 24 October 2023, Council requests the Chief Executive Officer to submit the response to the independent review of the Landscape Act 2019, as per Attachment 2.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to add to the end of the sentence 'subject to Council including in its submission that it is a preference that the levy be collected by the State Government directly rather than via Councils'. Leave of the meeting to vary the motion was not granted.

Pursuant to sections 74 and 75B of the Local Government Act 1999 Cr Foreman declared a general conflict of interest in relation to the matter on the basis that she is employed by the State Government. Cr Foreman indicated she would remain in the meeting and would deal with this conflict of interest by making a decision in the best interests of the community, remaining impartial and disregarding any personal interest. She participated in the meeting due to the impact on all ratepayers in the City.

Amendment

Moved Cr Zagladov, Seconded Cr Champion

That having considered the report titled “City of Tea Tree Gully's Submission to the Independent Review of the Landscape Act 2019” and dated 24 October 2023, Council requests the Chief Executive Officer to submit the response to the independent review of the Landscape Act 2019, as per Attachment 2 subject to Council including in its submission that it is a preference that the levy be collected by the State Government directly rather than via Councils.

Carried (287)

Motion as amended

That having considered the report titled “City of Tea Tree Gully's Submission to the Independent Review of the Landscape Act 2019” and dated 24 October 2023, Council requests the Chief Executive Officer to submit the response to the independent review of the Landscape Act 2019, as per Attachment 2 subject to Council including in its submission that it is a preference that the levy be collected by the State Government directly rather than via Councils.

Carried Unanimously (288)

15. Motions without Notice - Nil

14. Questions on Notice - Nil

15. Questions without Notice

Cr Hawkvelt asked a question in regards to the letters sent to MP's in relation to paid parking in Modbury.

16. Mayor's Report, Council Delegates and Activities Report – Nil

17. Information Reports

The following Information reports were received at the meeting:

17.1 SA Ombudsman Annual Report 2022-23 (D23/80683)

18. Status Report on Resolutions - Nil

19. Other Business – Nil

20. Confidential Items

20.1. Tea Tree Gully Tennis Clubroom Redevelopment Section 48 Prudential Report (D23/78413)

Recommendation for Moving into Camera

Moved Cr Lawrenson, Seconded Cr Hawkvelt

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public (except staff on duty) be excluded from the meeting to enable discussion on the Tea Tree Gully Tennis Clubroom Redevelopment Section 48 Prudential Report.
2. That the Council is satisfied that pursuant to section 90(3) b (i) of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
 - information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.
 - on the basis that it would compromise a competitive tender process for the engagement of the building contractor.
3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the public access to the meeting has been balanced against the public interest in the

continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances on the basis that it would compromise a competitive tender process for the engagement of the building contractor.

Carried Unanimously (289)

The following staff members on duty remained at the meeting for the following item:
Ryan McMahon, Justin Robbins, Leisha Bond, Felicity Birch, Nathan Grainger, Greg Salmon Deana Taglierini and Kristyn Barnes.

20.1 Tea Tree Gully Tennis Clubroom Redevelopment Section 48 Prudential Report (D23/78413)

The Confidential Resolution No 290 has been withdrawn from the public minute record in accordance with Resolution No 291.

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Lawrenson

1. That having considered the agenda item titled “ Tea Tree Gully Tennis Clubroom Redevelopment Section 48 Prudential Report” dated 11 October 2023 in confidence under section 90(2) & (3) b (i) and Section 91(7) of the Local Government Act 1999:
 - information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council

the Council pursuant to section 91(7) of the Act orders that the report, attachments and minutes relevant to this item be retained in confidence until the contract has been signed and awarded or until the Council resolves otherwise, whichever occurs first.

2. That Council gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91 (7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Mayor and reporting to the Elected Members of the revocation.

Carried Unanimously (291)

22. Date of Next Ordinary Meeting

14 November 2023

The Deputy Mayor declared the meeting closed at 10.14pm.

Confirmed.....
Mayor 14 November 2023